

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Galen Baynes	Team: Team # 4	CCRB Case #: 201301959	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Friday, 03/08/2013 3:05 PM	Location of Incident: § 87(2)(b) Lenox Ave. and West 114th St.; 28th Precinct stationhouse	Precinct: 28	18 Mo. SOL 9/8/2014	EO SOL 9/8/2014	
Date/Time CV Reported Fri, 03/08/2013 12:00 AM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Wed, 03/20/2013 1:11 PM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. DT3 Jose Sandobal	02208	935693	NARCBMN
2. DT2 Jeff Harris	01542	914803	NARCBMN
3. DT3 Tyrone Viruet	05654	916872	NARCBMN
4. SGT Joseph Serrano	00447	905036	NARCBMN
5. DT3 Christian Mcbrearty	07985	920576	NARCBMN
6. DT3 Steven Gansrow	02866	928345	NARCBMN
7. DT3 Mark Mcdonald	06272	919385	NARCBMN
8. DT3 Christopher Fleming	03829	922354	NARCBMN
9. An officer			
10. Officers			

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. SGT Marilyn Aguirre	00102	926532	MAN CT

Officer(s)	Allegation	Investigator Recommendation
A.DT3 Jose Sandobal	Force: At § 87(2)(b) Det. Jose Sandobal used physical force against § 87(2)(b)	§ 87(2)(b)
B.DT3 Mark Mcdonald	Force: At § 87(2)(b) Det. Mark Mcdonald used physical force against § 87(2)(b)	§ 87(2)(b)
C.DT3 Christopher Fleming	Force: At § 87(2)(b) Det. Christopher Fleming used physical force against § 87(2)(b)	§ 87(2)(b)
D.SGT Joseph Serrano	Force: At § 87(2)(b) Sgt. Joseph Serrano used physical force against § 87(2)(b)	§ 87(2)(b)
E. Officers	Force: At § 87(2)(b) officers used physical force against § 87(2)(b)	§ 87(2)(b)
F.DT2 Jeff Harris	Force: At Lenox Ave. and W 114th St., Det. Jeff Harris used physical force against § 87(2)(b)	§ 87(2)(b)

Officer(s)	Allegation	Investigator Recommendation
G.DT3 Christian Mcbrearty	Force: At Lenox Ave. and W 114th St., Det. Christian Mcbrearty used physical force against § 87(2)(b)	
H.DT3 Steven Gansrow	Force: At Lenox Ave. and W. 114th St., Det. Steven Gansrow used physical force against § 87(2)(b)	
I.DT3 Tyrone Viruet	Force: At Lenox Ave. and W 114th St., Det. Tyrone Viruet used physical force against § 87(2)(b)	
J.SGT Joseph Serrano	Abuse: At the 28th Precinct stationhouse, Sgt. Joseph Serrano authorized the strip-search of § 87(2)(b)	
K.DT3 Christian Mcbrearty	Discourtesy: At Lenox Ave. and W 114th St., Det. Christian Mcbrearty spoke discourteously to § 87(2)(b)	
L.DT3 Steven Gansrow	Discourtesy: At Lenox Ave. and W. 114th St., Det. Steven Gansrow spoke discourteously to § 87(2)(b)	
M. An officer	Discourtesy: At Lenox Ave. and W. 114th St., an officer spoke discourteously to § 87(2)(b)	
N.DT3 Jose Sandobal	Abuse: At the 28th Precinct stationhouse, Det. Jose Sandobal did not obtain medical treatment for § 87(2)(b)	
O.SGT Joseph Serrano	Abuse: At the 28th Precinct stationhouse, Sgt. Joseph Serrano did not obtain medical treatment for § 87(2)(b)	
P.DT3 Mark McDonald	Abuse: At the 28th Precinct stationhouse, Det. Mark McDonald did not obtain medical treatment for § 87(2)(b)	
§ 87(4-b) § 87(2)(g)		

Case Summary

On March 8, 2013, Sgt. Marilyn Aguirre called the Internal Affairs Bureau (IAB) Command Center to report an injury to prisoner § 87(2)(b) generating IAB log number 13-10077. The IAB forwarded this complaint to the CCRB on March 14, 2013. On March 18, 2013, § 87(2)(b) called the IAB Command Center to report an injury in custody as a result of the same incident, generating IAB log number 13-11287. The IAB forwarded this complaint to the CCRB on March 20, 2013.

At approximately 3:05 p.m. on March 8, 2013, in the vicinity of § 87(2)(b) and the intersection of Lenox Avenue and 114th Street in Manhattan, Det. Jose Sandobal, Det. Jeff Harris, Det. Tyrone Viruet, Sgt. Joseph Serrano, Det. Christian Mcbrearty, and Det. Steven Gansrow of Manhattan North Narcotics participated in a buy and bust operation during which § 87(2)(b) and § 87(2)(b) were arrested. The following allegations resulted:

- **Allegation A) Force: At § 87(2)(b) Det. Jose Sandobal used physical force against § 87(2)(b)**
- **Allegation B) Force: At § 87(2)(b) Det. Mark McDonald used physical force against § 87(2)(b)**
- **Allegation C) Force: At § 87(2)(b) Det. Christopher Fleming used physical force against § 87(2)(b)**
§ 87(2)(g)
- **Allegation D) Force: At § 87(2)(b) Sgt. Joseph Serrano used force against § 87(2)(b)**
- **Allegation J) Abuse of Authority: At the 28th Precinct stationhouse, Sgt. Joseph Serrano authorized the strip-search of § 87(2)(b)**
- **Allegation O) Abuse of Authority: At the 28th Precinct stationhouse, Sgt. Joseph Serrano did not obtain medical treatment for § 87(2)(b)**
§ 87(2)(g)
- **Allegation E) Force: At § 87(2)(b) officers used physical force against § 87(2)(b)**
§ 87(2)(g)
- **Allegation F) Force: At Lenox Avenue and West 114th Street, Det. Jeff Harris used physical force against § 87(2)(b)**
- **Allegation G) Force: At Lenox Avenue and West 114th Street, Det. Christian Mcbrearty used physical force against § 87(2)(b)**
- **Allegation H) Force: At Lenox Avenue and West 114th Street, Det. Steven Gansrow used physical force against § 87(2)(b)**
- **Allegation I) Force: At Lenox Avenue and West 114th Street, Det. Tyrone Viruet used physical force against § 87(2)(b)**
§ 87(2)(g)

- **Allegation K) Discourtesy: At Lenox Avenue and West 114th Street, Det. Christian Mcbrearty spoke discourteously to § 87(2)(b)**
- **Allegation L) Discourtesy: At the 28th Precinct stationhouse, Det. Steven Gansrow spoke discourteously to § 87(2)(b)**
§ 87(2)(g)
- **Allegation M) Discourtesy: At Lenox Avenue and West 114th Street, an officer spoke discourteously to § 87(2)(b)**
§ 87(2)(g)
- **Allegation N) Abuse of Authority: At the 28th Precinct stationhouse, Det. Jose Sandobal did not obtain medical treatment for § 87(2)(b)**
- **Allegation P) Abuse of Authority: At the 28th Precinct stationhouse, Det. Mark McDonald did not obtain medical treatment for § 87(2)(b)**
§ 87(2)(g)
- § 87(4-b) § 87(2)(g)

This case was originally assigned to Investigator Danielle Pagano. It was reassigned to Investigator Galen Baynes on January 24, 2014 upon Investigator Pagano's resignation. This case was not eligible for mediation.

Results of Investigation

Civilian Statements

Complainant/Victim: § 87(2)(b)

- § 87(2)(b) is a 5'8"-tall, § 87(2)(b)-old black male with a slim build, black hair, and brown eyes. § 87(2)(b)

Statements to Medical Personnel:

FDNY Prehospital Care Report:

Chief Complaint: "My right hand a rib cage hurt." "Patient found seated on chair in Central Booking holding area for prisoners...Patient states he was forcefully arrested and is having right hand pain, bilateral rib cage pain. Patient restrained by PD shield number 15525." (March 9, 2013) [encl. Medical Records]

§ 87(2)(b) Records:

"Patient complains of pain to right hand/wrist. States his hand was stepped on when he was arrested." (March 9, 2013) [encl. Medical Records]

§ 87(2)(b) Records:

§ 87(2)(b) complain about hand pain and “stated he got into an altercation with a security officer. He stated the security officer stepped on his finger” on March 8, 2013. (March 27, 2013) [encl. Medical Records].

Arrest Photo

In § 87(2)(b)'s arrest photo, he appears to have bruising on his right temple. He is wearing a grey sweatshirt with no hood and a black necklace [encl. 12d].

CCRB Testimony:

§ 87(2)(b) was interviewed by the CCRB on April 8, 2013 at § 87(2)(b) [encl. 12a-f].

On March 8, 2013, shortly before 3:00 p.m., § 87(2)(b) left § 87(2)(b) in Manhattan, where he had been with a friend all day, in order to purchase cigarettes from a nearby grocery store on Lenox Avenue and 113th Street.

On his way to the store, on the opposite side of 112th Street, he ran into a Hispanic male “panhandler,” whom he knows from around the neighborhood. The panhandler said to him, “I’m looking for something [drugs]; can you help me out?” § 87(2)(b) responded that he could not. They did not shake hands, hug, or have any other type of physical contact. There was a female Hispanic individual with the panhandler, but § 87(2)(b) did not speak with her.

Shortly before § 87(2)(b) went inside the grocery store he also ran into § 87(2)(b) whose nickname is “§ 87(2)(b) § 87(2)(b) sells drugs. They spoke for approximately five minutes about a wheelchair that § 87(2)(b) wanted to sell for scrap metal. They did not shake hands or hug. At no point during his interactions with any of these individuals was § 87(2)(b) holding anything in his hands.

He walked into the grocery store and spent approximately five to ten minutes inside buying cigarettes. He did not purchase anything else. While there, he spoke with an “Arab” male cashier he knows, whose nickname is “§ 87(2)(b)”. He did not interact with anyone else in the store.

After leaving the store, § 87(2)(b) had the cigarettes he had just purchased and approximately four dollars in his pocket. He did not have a wallet or phone with him. He headed back toward § 87(2)(b). Upon arriving, he reached to open the front door of the building.

The door, which opens outward without a key and without needing to be buzzed in by a resident, appeared to be stuck, so he tried pulling it harder. He then saw that PO1’s foot was blocking the door from opening. § 87(2)(b) did not hear any officer make any statement prior to noticing PO1’s foot, nor did he notice PO1 before observing his foot in the doorway.

§ 87(2)(b) described PO1 as a 5’9-5’10”-tall, Hispanic (“Dominican”) male in his late 20s-30s with a medium build and a goatee, in plainclothes. PO1 was identified by the investigation as Det. Jose Sandobal of Manhattan North Narcotics.

Det. Sandobal told § 87(2)(b) that he was under arrest. § 87(2)(b) was confused because he did not yet know that Det. Sandobal was a police officer. Immediately after Det. Sandobal told § 87(2)(b) that he was under arrest, an officer that § 87(2)(b) could not identify punched him in the left cheek. The punch caused § 87(2)(b) to fall face-first onto the ground. While on the ground, one side of his face was pressed down. While he was on the ground he saw Det. Sandobal and two additional officers, identified by the investigation as Sgt. Joseph Serrano and Det. Mark McDonald of Manhattan North Narcotics. They all yelled, “Grab him! Grab him!”

§ 87(2)(b) described Sgt. Serrano as an approximately 6'-tall black male with a medium build, in his 30s, with a checkered red lumberjack shirt on. He described Det. McDonald as a 5'10"-6'-tall white male in his late 30s-early 40s, with a crew cut.

While § 87(2)(b) was on the ground a crowd of more than 10 people gathered. Members of the crowd began yelling at the officers. § 87(2)(b) heard members of the crowd say, "What y'all doing to him?" One black female stood approximately 20 feet away to watch what was happening. She yelled, "What are you doing to him? Stop!" Sgt. Serrano told the female to leave because she had a cell phone out. Sgt. Serrano walked toward her and guided her away from § 87(2)(b) by placing his hand on her back. § 87(2)(b) did not know the female's name but thought that she lived in the building because she yelled to one of the residents who lived upstairs, possibly to ask them for a recording device.

While he was on the ground, § 87(2)(b)'s hands were behind his back. The officers yelled at him to keep his hands behind his back. § 87(2)(b) moved his hand slightly, and one of the officers stomped on it. § 87(2)(b) did not see which officer stepped on his hand. He later discovered that this force had caused his hand to fracture.

Officers kicked and punched § 87(2)(b) in the right side of his ribs while he was on the ground. § 87(2)(b) did not know which officer subjected him to which blows. § 87(2)(b) lost consciousness while he was on the ground. § 87(2)(b) never made any statements to or physical contact with the officers. The only sounds he made were sounds of pain from being punched and kicked.

After losing consciousness, § 87(2)(b) woke up in handcuffs on the floor of a white prisoner van. It was not until this point that § 87(2)(b) realized definitively that the males that had attacked him were police officers. There were two other males in the van that had also been placed under arrest. One of them told § 87(2)(b) his name, but at the time of the interview § 87(2)(b) was unable to recall it. § 87(2)(b) asked the two males what happened, and one of the males said to § 87(2)(b) "They was fuckin' you up, man." § 87(2)(b) stated that the two males were unable to see what happened to him because the van had no windows. However, they were able to overhear what had occurred.

After § 87(2)(b) woke up, officers took him out of the van and put him in an unmarked Chevy Impala. § 87(2)(b) was not able to recall the color of the car. Det. McDonald sat in the back of the car with § 87(2)(b) while Det. Sandobal and Sgt. Serrano sat in the front. Det. McDonald said to § 87(2)(b) "You're going to forget about what just happened." § 87(2)(b) did not respond but "looked at him like he was crazy." § 87(2)(b) asked Det. Sandobal to take him to the hospital, and Det. Sandobal responded, "Okay." Det. Sandobal never took § 87(2)(b) to the hospital.

The officers drove § 87(2)(b) to the 28th Precinct stationhouse where he saw § 87(2)(b) with blood on his face. After staying in the stationhouse for a short time, the same three officers took § 87(2)(b) back toward the prisoner van in the parking lot. § 87(2)(b) asked Det. Sandobal, Sgt. Serrano, and Det. McDonald to take him to the hospital, but they ignored him. He was then taken to Central Booking.

While at Central Booking, a female corrections officer saw him and asked what happened to his hand. She also asked if the officers had taken him to the hospital. When § 87(2)(b) said no, the corrections officer had him wait for other police officers to take him to § 87(2)(b). At the hospital he was told that his hand was fractured and was given a splint.

At a later unspecified date § 87(2)(b) went to § 87(2)(b) Doctors at § 87(2)(b) wanted to place his hand in a hard cast, but § 87(2)(b) did not want one because he wanted more mobility with his hand. At the time of his interview, § 87(2)(b) had a soft cast wrapped around his right hand. § 87(2)(b) stated that his other injuries included scratches and

bruises on his back and side. § 87(2)(b) was charged with the sale of a controlled substance as a result of the incident.

Complainant/Victim: § 87(2)(b)

- § 87(2)(b) is a 5'8"-tall, 185-pound, § 87(2)(b)-old black male with black hair and brown eyes.
§ 87(2)(b)

Statement to Medical Personnel:

§ 87(2)(b)

Patient states that he does not know what happened. Patient was sleeping and about 2 a.m. he had a witnessed tonic-clonic seizure. Patient hit his forehead to the ground causing a head hematoma. Patient woke up after EMS found him in his jail...Patient initially told EMS that he had seizure disorder but not taking any medicines. However, now tells me that he only had one seizure which was less than two months ago and went to the hospital. Doctor told him it was stress induced. Patient admits to alcoholism and "drinks heavily." No alcohol for one day due to police custody (March 9, 2013) [encl. Medical Records].

Arrest Photo:

§ 87(2)(b)'s arrest photo shows a slight discoloration on his left cheek. He also appears to have an older scar above his upper lip. He is wearing a maroon-colored hoodie and a white undershirt [encl. 14c].

CCRB Testimony:

§ 87(2)(b) provided a phone statement to the CCRB on May 15, 2013 [encl. 13a]. § 87(2)(g) did not allege that he was strip-searched during his phone statement. § 87(2)(g) was interviewed by the CCRB on May 22, 2013 at § 87(2)(b) [encl. 14a-d].

Shortly before 3 p.m. on March 8, 2013, in the vicinity of West 114th Street and St. Nicholas Avenue in Manhattan, § 87(2)(b) came out of his mother's building to sell a wheelchair to an acquaintance, § 87(2)(b). § 87(2)(b) gave § 87(2)(b) \$40 for the wheelchair, but they did not exchange anything else. § 87(2)(b) made no attempt to conceal the fact that he was passing money to § 87(2)(b). § 87(2)(b) also had \$107 dollars on him at the time.

§ 87(2)(b) was outside for approximately three minutes before he sold the wheelchair to § 87(2)(b). As § 87(2)(b) was leaving, an officer identified by the investigation as Det. Jeff Harris of Manhattan North Narcotics jumped out of a blue four-door sedan to § 87(2)(b)'s right, and said to § 87(2)(b) "Let me talk to you." § 87(2)(b) described Det. Harris as a 6'1"-tall black male with a slim-medium build wearing a blue jean suit and a hat.

§ 87(2)(b) said to Det. Harris, "I don't know you. Who the fuck are you?" Det. Harris then started walking rapidly toward § 87(2)(b). § 87(2)(b) grabbed the wheelchair from § 87(2)(b), pushed it into Det. Harris, and ran toward 114th Street and Lenox Avenue. Det. Harris did not identify himself as a police officer until they were on 114th Street, at which point he yelled, "Police! Stop!"

At this point, an officer identified by the investigation as Det. Christian Mcbrearty of Manhattan North Narcotics came around the corner on 114th Street and Lenox Avenue. § 87(2)(b) described Det. Mcbrearty as a 5'7"-8" white male with a stocky build, in plainclothes.

Det. Mcbrearty threw an unidentified object at § 87(2)(b). § 87(2)(b) believed it may have been a snowball or a piece of ice. Det. Mcbrearty yelled, "Get on the fucking ground!" § 87(2)(b) dropped onto his stomach with his body flat against the ground and spread out his arms. § 87(2)(b) heard an officer whom he could not identify say, "You made me fucking run."

Approximately five officers dressed in plainclothes then arrived and started punching and kicking § 87(2)(b) in the back, face, and neck while he was on the ground. § 87(2)(b) tried to block his face to prevent the officers from hitting his face. § 87(2)(b) did not know how many times he was punched and kicked. He shouted, “Stop fucking hitting me!”

A male individual on the scene took out his phone and started recording the incident, but § 87(2)(b) did not know who he was. The male said, “Y’all ain’t gotta do him like that.” § 87(2)(b) did not kick or grab any officers while on the ground.

§ 87(2)(b) was then placed in handcuffs by the officers. He did not try to pull his arms away from the officers once they began pulling his arms behind his back. After he was placed in handcuffs, § 87(2)(b) was lifted to his feet and placed inside an unmarked sedan. § 87(2)(b) was not able to observe the physical characteristics of the officers until he had been lifted to his feet. Once he was on his feet, he saw that he was surrounded by Det. Harris, Det. McBrearty, two additional officers identified by the investigation as Det. Steven Gansrow and Det. Tyrone Viruet of Manhattan North Narcotics, and PO5. PO5 was not identified by the investigation. § 87(2)(b) described Det. Gansrow as a 5’9” Hispanic male with a chubby build and facial hair. He described Det. Viruet as a tall Hispanic male with no facial hair.

Det. McBrearty and Det. Gansrow drove § 87(2)(b) to the 28th Precinct stationhouse. After he was placed in a holding cell at the stationhouse, § 87(2)(b) was strip-searched by Det. McBrearty and Det. Gansrow. § 87(2)(b) was told to remove all of his clothing, including his underwear. After he removed all of his clothing, the detectives searched his clothing. They did not perform any further search of § 87(2)(b)’s body.

As he was being searched, § 87(2)(b) asked the detectives why he had been arrested. Det. Gansrow said, “Because you made a fucking sale, you motherfucker.” § 87(2)(b) stated that he never made any narcotics sales and never had any narcotics in his possession.

§ 87(2)(b) was later taken to Central Booking. Upon arriving at Central Booking, § 87(2)(b) had a seizure. He had never had a seizure before. § 87(2)(b) was there at the time and observed § 87(2)(b)’s seizure. § 87(2)(b) suffered scars on his wrists from the handcuffs, scrapes on his left cheek, and a blood clot in his eye. § 87(2)(b) was later taken to § 87(2)(b) and was given a pill for seizures.

Witness: § 87(2)(b)

- § 87(2)(b) is a § 87(2)(b)-old black male. He lives at § 87(2)(b) § 87(2)(b).

911 Recording:

On March 8, 2013, a male named § 87(2)(b) identified by the investigation as § 87(2)(b) called 911 to report a fight involving approximately six individuals taking place outside of the projects on West 112th and Lenox Avenue. § 87(2)(b) saw someone punched in the face and then went into his apartment. He did not see anything else or know if anyone needed EMS [encl. 39a].

Phone Statement:

§ 87(2)(b) provided a phone statement to the CCRB on April 16, 2013 [encl. 15a].

§ 87(2)(b) called 911 on March 8, 2013 because he was witnessing a fight at the corner or Lenox Avenue and West 112th Street in Manhattan. He saw five or six individuals arguing. § 87(2)(b) called 911 when they started fighting. He was not aware that any of the individuals were police officers dressed in plainclothes. § 87(2)(b) did not know who started the fight, but he believed a number of people were ganging up on one black male, identified by the investigation as § 87(2)(b). § 87(2)(b) believed that “a couple of punches” were thrown at § 87(2)(b). § 87(2)(b) did not see § 87(2)(b) punch back. Everyone was yelling, including § 87(2)(b) § 87(2)(b).

§ 87(2)(b) did not recall what they were arguing about. One of the individuals fighting § 87(2)(b) was a Hispanic male. § 87(2)(b) could not physically describe any of the other individuals, but may have heard a female in the group of people. § 87(2)(b) watched the incident for approximately 15 seconds before going into his apartment. He did not see if § 87(2)(b) was injured as a result of the incident.

Witness: § 87(2)(b)

911 Recording:

On March 8, 2013, a male with an accent, identified by the investigation as § 87(2)(b) called 911 to report that he was watching a “kid,” identified by the investigation as § 87(2)(b) being attacked by six other “kids” at § 87(2)(b). § 87(2)(b) identified by the investigation as Det. Jose Sandobal, Sgt. Joseph Serrano, Det. Christopher Fleming, and Det. Mark McDonald. § 87(2)(b) was running inside the project building when the other individuals followed him and attacked him. There were a number of individuals outside. The caller’s phone number was § 87(2)(b) [encl. 39a].

Phone Statement:

§ 87(2)(b) provided a phone statement to the CCRB on April 23, 2013 [encl. 16a].

§ 87(2)(b) stated that he lives on the § 87(2)(b) floor of the building across from § 87(2)(b). On March 8, 2013, he witnessed several individuals chasing a “kid,” identified by the CCRB as § 87(2)(b). He did not see any type of force used and could not make out the faces of any of the individuals. He called 911 because he was afraid that the individuals chasing § 87(2)(b) would beat him up.

Attempts to Contact Additional Civilians

- On April 22, 2013, Investigator Pagano left several witness please call letters on the bulletin board of the apartment building across the street from incident location. The investigator spoke with two anonymous male residents of the building, both of whom stated that they did not know anything about the incident. One of them directed the investigator to where the superintendent lived. Investigator Pagano left a witness please call letter underneath the superintendent’s door because he was not present.

NYPD Statements

Subject Officer: DET. JOSE SANDOBAL

- Det. Jose Sandobal is a 5’7”-tall, 165-pound, § 87(2)(b)-old Hispanic male with black hair and brown eyes.*
- On March 8, 2013, Det. Sandobal of Manhattan North Narcotics worked between the hours of 10:27 a.m. and 7 p.m. He was assigned as the arresting officer, was dressed in plainclothes, and was in an unmarked blue Hyundai rental car. He was working with Sgt. Serrano of the same command.*

Memo Book:

3:05 p.m., one individual under arrest in front of § 87(2)(b). § 87(2)(b) DOB § 87(2)(b), male § 87(2)(b) 45. Defendant did run and engage in a violent struggle with the officers by kicking and refusing to be handcuffed [encl. 17a-c].

Online Booking System Worksheet:

Det. Sandobal ordered § 87(2)(b) to put his hands behind his back and placed § 87(2)(b) against the wall. § 87(2)(b) began to flail his arms and kicked Det. Sandobal in the leg. He pulled his arms away from Det. Sandobal and refused to put his hands behind his back. Det. Sandobal grabbed § 87(2)(b) by the waist area and tackled him to the ground in order to gain control of him. He could not recall whether he grabbed § 87(2)(b) by the front or back of his body. He could not recall what part of § 87(2)(b)'s body hit the ground first. Det. Sandobal scraped his knee when he landed on the ground.

During the ensuing struggle, § 87(2)(b) was positioned face-down on the ground. He put his hands under his body in order to prevent Det. Sandobal from placing them in handcuffs. Det. Sandobal was assisted by Sgt. Serrano and several officers while on the ground with § 87(2)(b). He could not recall which other officers were there.

Det. Sandobal did not use any force against § 87(2)(b) while he was on the ground other than grabbing onto § 87(2)(b)'s hands in order to place them in handcuffs. § 87(2)(b) continued to kick his legs while he was on the ground in an attempt to get away from the officers.

A crowd formed while the officers were struggling with § 87(2)(b). Det. Sandobal was unable to approximate how many people were in the crowd. The crowd shouted at the officers, but Det. Sandobal could not recall what they were shouting.

Det. Sandobal did not punch or kick § 87(2)(b) during the incident, nor did he see any other officer do so. § 87(2)(b) did not sustain any injuries during his arrest. § 87(2)(b) did not say anything while the officers were attempting to handcuff him on the ground. After the officers were able to handcuff § 87(2)(b) he was placed into a prisoner van and taken to the 28th Precinct stationhouse. Det. Sandobal did not know who was driving the prisoner van.

Det. Sandobal was not carrying his nightstick at the time of the incident and did not recall any officer involved in the arrest carrying a nightstick. Det. Sandobal did not know why § 87(2)(b)'s arrest report stated that an officer had used a nightstick. Det. Sandobal stated that he did not fill out the arrest report and could not recall who was responsible for filling out the arrest report. Det. Sandobal did create the cover sheet for the arrest report.

No officers were injured during this incident. Det. Sandobal did not know how § 87(2)(b) could have fractured his hand or wrist. At no time during the incident did any officer step on § 87(2)(b)'s hand or wrist. Det. Sandobal did not see any visible injuries on § 87(2)(b) or § 87(2)(b) after they were apprehended. § 87(2)(b) did not complain of any pain at any point during the incident.

While at the stationhouse, Det. Sandobal asked both § 87(2)(b) and § 87(2)(b) if they needed medical attention. They both said no. Det. Sandobal did not know whether § 87(2)(b) or § 87(2)(b) ever asked for medical attention at any other point during the incident. Det. Sandobal did not know if § 87(2)(b) or § 87(2)(b) ever received medical attention.

§ 87(2)(b) was later taken to Central Booking by the prisoner van. If he had had any injuries, Det. Sandobal would have received a Medical Treatment of Prisoner form from the officers returning to the stationhouse in the prisoner van. Det. Sandobal never received any such paperwork. Det. Sandobal did not know who searched § 87(2)(b) at the stationhouse. He never had a conversation with § 87(2)(b) about a drug sale while in the stationhouse. Det. Sandobal never said, "Because you made a fucking sale, you motherfucker," nor did he hear any other officer say that.

Officer: DET. MARK MCDONALD

- *Det. Mark McDonald is a 5'11"-tall, 190-pound, § 87(2)(b)-old white male with salt-and-pepper hair and brown eyes.*
- *On March 8, 2013, Det. McDonald of Manhattan North Narcotics worked between the hours of 9:27 a.m. and 10 p.m. He was assigned to the prisoner van for a buy-and-bust operation*

and was dressed in plainclothes. He was working with Det. Christopher Fleming of the same command.

Memo Book:

9:27am: Present for duty NBMN. 12w assigned to prisoner van with Det. Fleming in regards to buy and bust operation vicinity of NBMN. 10:00pm, end of tour [encl. 30a-b].

CCRB Statement

Det. Mark McDonald was interviewed at the CCRB on January 8, 2014 [encl. 31a-b].

On March 8, 2013, at approximately 3:05pm, in the vicinity of Lenox Avenue and West 114th Street in Manhattan, Det. McDonald was in a prisoner van with Det. Fleming. § 87(2)(b)

§ 87(2)(f) When they went to the location they saw Det. Sandobal attempting to apprehend § 87(2)(b). Det. Sandobal attempted to grab § 87(2)(b)'s jacket, but § 87(2)(b) was either able to pull out of the jacket or otherwise escape from Det. Sandobal's grasp. Det. McDonald was unable to hear Det. Sandobal and § 87(2)(b) because he was inside the prisoner van.

§ 87(2)(b) escaped and ran eastbound toward a NYCHA building, the name of which Det. McDonald did not know. Det. Fleming and Det. McDonald drove the prisoner van ahead of § 87(2)(b) and Det. Sandobal. Det. McDonald then exited the vehicle and caught up to § 87(2)(b) as he was attempting to open a door into the NYCHA building.

As § 87(2)(b) was opening the door, Det. McDonald jumped into the air and kicked the door shut. § 87(2)(b) then turned toward Det. McDonald and grabbed hold of his jacket. § 87(2)(b) tried to wriggle out of his jacket, but at this point Det. Sandobal and Det. Fleming caught up to them. The three officers grabbed § 87(2)(b) and pulled him to the ground, though Det. McDonald was unable to recall how they were positioned. Det. McDonald did not remember which part of § 87(2)(b)'s body made contact with the ground.

Once on the ground, § 87(2)(b) kicked at the officers, flailed his arms, and refused to put his hands behind his back. § 87(2)(b)'s kicks probably made contact with the officers, but Det. McDonald did not specifically recall whether this happened. The officers had a difficult time getting § 87(2)(b) onto his stomach. The officers were eventually able to grab onto § 87(2)(b)'s hands and put them behind his back. No other type of force was used. No officer, including Det. McDonald, punched or kicked § 87(2)(b). Det. McDonald did not witness anything occur that would have caused a fracture to § 87(2)(b)'s wrist. He did not take any action or see any other officer take an action that would have caused the fracture to § 87(2)(b)'s wrist. Det. McDonald did not stomp on § 87(2)(b)'s hand, nor did any other officer.

Eventually, Sgt. Serrano arrived at the scene, but Det. McDonald did not believe that Sgt. Serrano participated in apprehending § 87(2)(b). After § 87(2)(b) was handcuffed, Det. McDonald did not notice any injuries on § 87(2)(b) and § 87(2)(b) never complained of any injuries, nor did he request medical attention at any point. § 87(2)(b) was then placed into the prisoner van and driven to the command by Det. McDonald and Det. Fleming and later driven to Central Booking. Det. McDonald may have interacted with § 87(2)(b) and § 87(2)(b) at the stationhouse but did not recall the nature of any interaction he may have had with them there. He did not know if § 87(2)(b) was strip-searched at the stationhouse. Det. McDonald did not witness § 87(2)(b)'s apprehension.

Subject Officer: DET. CHRISTOPHER FLEMING

- *Det. Christopher Fleming is a 6'-tall, 235-pound, § 87(2)(b) -old white male with black hair and blue eyes.*
- *On March 8, 2013, Det. Fleming of Manhattan North Narcotics worked between the hours of 9:27 a.m. and 6 p.m. He was assigned as the prisoner van (unmarked, white) operator for a buy-and-bust operation and was dressed in plainclothes. He was working with Det. Mark McDonald of the same command.*

Memo Book

11:30 a.m., assigned to prisoner van with Det. McDonald [encl. 32a-b].

CCRB Statement

Det. Fleming was interviewed at the CCRB on January 16, 2014 [encl. 33a-b].

On March 8, 2013, at approximately 3:05pm, in the vicinity of West 112th Street, Det. Fleming was driving the prisoner van when he observed Det. Sandobal chasing § 87(2)(b) on the northern portion of the sidewalk, going eastbound on West 112th Street. Det. Fleming stopped the van when it was parallel to § 87(2)(b) with Det. Sandobal slightly behind them. Det. McDonald exited the van and ran over to a NYCHA building, catching up with § 87(2)(b) and struggling to apprehend him. Det. Fleming did not know how the struggle began or if Det. McDonald grabbed § 87(2)(b).

Det. Sandobal arrived and assisted in the struggle approximately 10 to 20 seconds later. § 87(2)(b) fell to the ground during the struggle, but Det. Fleming did not know how this happened, nor did he recall if he arrived where the struggle was taking place before or after § 87(2)(b) was brought to the ground. Sgt. Serrano was on the scene during § 87(2)(b)'s apprehension. Det. Fleming believed that Sgt. Serrano was watching the prisoner van while the other officers were attempting to place § 87(2)(b) in handcuffs.

While on the ground, § 87(2)(b) was moving his body around and grabbing for something on his waist. The officers were issuing commands such as, "Police! Stop resisting! Put your hands behind your back!" Det. Fleming did not remember whether § 87(2)(b) responded or said anything during the struggle. Eventually, the officers were able to get § 87(2)(b)'s hands behind his back, but Det. Fleming did not know what type of force was used in order to do this.

Det. Fleming did not know whether any officer punched § 87(2)(b). At no point did Det. Fleming punch § 87(2)(b). § 87(2)(b) did not attempt to strike Det. Fleming, but Det. Fleming did not know if § 87(2)(b) tried to strike any of the other officers present. Det. Fleming did not kick § 87(2)(b) nor did he see any officer kick § 87(2)(b). Det. Fleming did not believe that any officers were injured in the struggle with § 87(2)(b).

Det. Fleming hypothesized that § 87(2)(b)'s hand was fractured when he fell to the ground, but he did not actually know how § 87(2)(b) fractured his hand. No officer stomped on § 87(2)(b)'s hand, nor did Det. Fleming. No crowd gathered to watch § 87(2)(b)'s apprehension.

Det. Fleming believed that he was the officer who took § 87(2)(b) to the prisoner van but was not certain. He did not recall whether § 87(2)(b) was compliant while being escorted to the van. § 87(2)(b) did not appear to be injured and did not complain of any injuries. Det. Fleming did not recall whether any additional officers arrived on the scene.

§ 87(2)(b) never asked Det. Fleming for medical attention. He did not know if § 87(2)(b) was ever taken to the hospital but knew that § 87(2)(b) was taken to the hospital because he asked for medical attention. Det. Fleming did not witness § 87(2)(b)'s apprehension. Det. Fleming may have interacted with § 87(2)(b) or § 87(2)(b) at the stationhouse but was not certain.

Subject Officer: DET. JEFF HARRIS

- *Det. Jeff Harris is a 6'1"-tall, 225-pound, § 87(2)(b)-old black male with a bald head and brown eyes.*
- *On March 8, 2013, Det. Harris of Manhattan North Narcotics worked between the hours of 10 a.m. and 6:33 p.m. He was assigned to the chase car (unmarked grey Nissan Altima, RMP #2422) and was dressed in plainclothes. He was working with Det. Viruet of the same command.*

Memo Book:

10 a.m., buy and bust. Arresting officer: Det. Sandobal. Assigned to chase car with Det. Viruet. See arresting officer for arrest times [encl. 22a-b].

CCRB Statement:

Det. Jeff Harris was interviewed at the CCRB on September 18, 2013 [encl. 23a-c].

§ 87(2)(e), § 87(2)(f)

Det. Harris exited his vehicle, while Det. Viruet remained inside. Det. Harris approached § 87(2)(b) who was pushing a shopping cart, with his shield out, so § 87(2)(b) was clearly able to see that he was a police officer. Det. Harris yelled, "Police! Stop!" § 87(2)(b) turned around, looked at him, and pushed the shopping cart toward him. Det. Harris was able to avoid the cart, which did not hit him.

§ 87(2)(b) started running away, and Det. McBrearty appeared and chased after him in the vicinity of 114th Street and St. Nicholas Avenue, going eastbound. Det. McBrearty was able to get § 87(2)(b) to stop by throwing a snowball at him, which made contact with § 87(2)(b) and startled him, causing him to stop running. Due to § 87(2)(b)'s forward momentum, he slid in the snow into Det. McBrearty, who grabbed § 87(2)(b) in the front of his body. Det. McBrearty and § 87(2)(b) immediately fell to the ground. § 87(2)(b) fell on top of Det. McBrearty.

Det. Harris ran over to where they were on the ground several seconds later and grabbed § 87(2)(b) from his rear. Det. McBrearty was, at this point, trying to escape from underneath § 87(2)(b) who put his hands underneath his own body in order to prevent Det. Harris from handcuffing him. Det. Harris yelled phrases such as, "Stop resisting! Give me your hands!" § 87(2)(b) did not verbally respond.

Det. McBrearty was able to get out from under § 87(2)(b) and Det. Harris and Det. McBrearty were able to rear cuff § 87(2)(b) by grabbing his wrists and pulling his hands out from underneath him. § 87(2)(b) stopped resisting after he was placed in handcuffs. After § 87(2)(b) was handcuffed, Det. Viruet arrived in his vehicle and exited to help the officers.

No force other than pulling § 87(2)(b)'s hands out from under him was used in restraining and apprehending § 87(2)(b). Det. Harris did not punch or kick § 87(2)(b) nor did any other officer. § 87(2)(b) did not have any visible injuries and did not complain of any. Det. Harris did not recall a crowd forming at the scene. No officer, including Det. Harris, used discourteous language toward § 87(2)(b) and no officer said, "You made me fucking run."

At this point, Det. Harris saw Sgt. Serrano and Det. Sandobal chasing § 87(2)(b) in the vicinity of 112th Street and Lenox Avenue. Det. Harris ran into his car and drove southbound, while Det. McBrearty and Det. Viruet remained with § 87(2)(b). When Det. Harris arrived at West

112th Street, § 87(2)(b) was already in handcuffs. Det. Harris did not see how § 87(2)(b) was placed in handcuffs. Det. Harris did not recall which officers were present, other than Sgt. Serrano and Det. Sandobal. He did not recall whether § 87(2)(b) was standing up or on the ground when he arrived. § 87(2)(b) did not appear to have any injuries or pain in his wrist. Det. Harris was unaware of anything that could have caused § 87(2)(b)'s hand to fracture. He did not see any officer punch § 87(2)(b) or step on his hand. Det. Harris did not say anything to § 87(2)(b) when he arrived at the location and did not believe that § 87(2)(b) said anything to him.

A crowd was gathered around the location where § 87(2)(b) was arrested, but it was the “usual” crowd that appears to watch police activity in the area. Det. Harris was not familiar with any of the individuals. He recalled them saying things such as, “Let him go!” § 87(2)(b) was brought over by Det. Viruet shortly afterwards, and § 87(2)(b) and § 87(2)(b) were placed into the prisoner van, which took them back to the hub site. Det. Harris did not recall who was operating the prisoner van.

Det. Harris went back to the stationhouse but did not recall if he interacted with § 87(2)(b) or § 87(2)(b) while at the stationhouse. He did not know whether § 87(2)(b) or § 87(2)(b) asked for medical attention, nor did he recall if § 87(2)(b) was strip-searched. Det. Harris did not know whether § 87(2)(b) had any contraband but stated that during hand-to-hand positive buys, a defendant would most likely be strip-searched. Det. Harris also noted that Sgt. Serrano would have been the officer to document any strip-search in the command log or authorize any such search.

Subject Officer: DET. TYRONE VIRUET

- *Det. Tyrone Viruet is a 6'1"-tall, 260-pound, § 87(2)(b)-old Hispanic male with salt-and-pepper hair and brown eyes.*
- *On March 8, 2013, Det. Viruet of Manhattan North Narcotics worked between the hours of 11 a.m. and 7:33 p.m. He was assigned to an unmarked chase car and was dressed in plainclothes. He was working with Det. Harris of the same command.*

Memo Book

Assignment, buy and bust. 2 p.m., helped conduct a buy and bust operation with Det. Harris. 5 p.m., at 25th Precinct hubsite regarding arrest procedures [encl. 28a-b].

CCRB Statement

Det. Tyrone Viruet was interviewed at the CCRB on September 26, 2013 [encl. 29a-c].

§ 87(2)(e), § 87(2)(f)

§ 87(2)(b) The buy occurred between West 112th Street and West 114th Street. Det. Viruet parked the car and walked over to the location with Det. Harris on the West side of the street. He did not remember exactly where § 87(2)(b) was at this point.

Once Det. Harris and Det. Viruet were a few feet away from § 87(2)(b) they identified themselves verbally as police officers and asked if they could speak to him. § 87(2)(b) did not respond but immediately began running eastbound. Det. Harris started chasing § 87(2)(b) by himself while Det. Viruet ran back to their vehicle, which was parked half a block away.

Det. Viruet had trouble starting the car but eventually drove to where Det. Harris and other field team members, including Det. McBrearty, were apprehending § 87(2)(b). He was unable

to see the chase of § 87(2)(b) because he had been attempting to fix the car. Det. Viruet did not recall which other officers were there besides Det. Harris and Det. McBrearty.

When Det. Viruet arrived § 87(2)(b) was on the ground with the officers. Det. Viruet did not recall how they were positioned or which part of § 87(2)(b)'s body was touching the ground. Det. Viruet did not recall if § 87(2)(b) was doing anything with his body at the time, if he was saying anything, or if § 87(2)(b) was in handcuffs when he arrived. Several people on the corner were watching but did not interfere or say anything.

Det. Viruet did not observe any injuries to § 87(2)(b) and did not know what type of force was used to apprehend him. § 87(2)(b) never complained of any injuries. Det. Viruet did not see any officer make physical contact with § 87(2)(b) or punch or kick him, nor did Det. Viruet ever punch or kick § 87(2)(b). Det. Viruet did not assist in handcuffing § 87(2)(b). Det. Viruet did not hear any officer say to § 87(2)(b) "You made me fucking run," nor did he make any such statement.

§ 87(2)(b) was placed in the prisoner van. Det. Viruet may have been responsible for placing § 87(2)(b) in the van, but he was not certain. § 87(2)(b) walked to the van of his own volition and did not have trouble walking.

The officers then went over to where § 87(2)(b) was being apprehended because they heard, "He's running!" over the radio. Det. Viruet did not witness § 87(2)(b)'s apprehension and § 87(2)(b) was not on the ground when he arrived. He did not observe any officer punch or kick § 87(2)(b). Det. Viruet did not punch or kick § 87(2)(b). He did not know how § 87(2)(b) could have fractured his hand. § 87(2)(b) did not appear to have any injuries and was not complaining about being injured.

Neither § 87(2)(b) nor § 87(2)(b) ever asked for medical attention in Det. Viruet's presence. Det. Viruet did not know if they ever asked any other officer for medical attention. Det. Viruet was at the stationhouse when § 87(2)(b) and § 87(2)(b) arrived. He did not recall if § 87(2)(b) was searched at the stationhouse.

When presented with information from the Criminal Court Complaint, which stated that Det. Viruet told Det. Sandobal that he recovered \$147 from § 87(2)(b)'s pocket, he said that he did not recall doing so. He did not suspect § 87(2)(b) of having narcotics while in the stationhouse and did not know if § 87(2)(b) was strip-searched. He did not have a conversation with § 87(2)(b) about making a sale and did not hear any other officer do so. Neither he nor any other officer said, "You made a fucking sale you motherfucker."

Subject Officer: DET. CHRISTIAN MCBREARTY

- *Det. Christian Mcbrearty is a 5'10"-tall, 200-pound, § 87(2)(b)-old white male with brown hair and green eyes.*
- *On March 8, 2013, Det. Mcbrearty of Manhattan North Narcotics worked between the hours of 9:47 a.m. and 6 p.m. He was assigned to the apprehension auto on a field team in an unmarked four-door sedan and was dressed in plainclothes. He was working with Det. Gansrow of the same command.*

Memo Book

3 p.m., in the vicinity of 114th Street and Lenox Ave. Received injury to left leg. 4 p.m., processing at the hubsite. 6 p.m., with Det. Gansrow at § 87(2)(b) [encl. 26a-c].

CCRB Statement

Det. Christian Mcbrearty was interviewed at the CCRB on December 5, 2013 [encl. 27a-c].

On March 8, 2013, at approximately 3:05pm, in the vicinity of Lenox Avenue and West 114th Street in Manhattan, Det. Mcbrearty was in a vehicle with Det. Gansrow. Det. Gansrow was driving. They received a radio transmission that a member of their field team was chasing a

suspect on foot on West 114th Street and Lenox Avenue. They drove toward the location and saw Det. Harris chasing § 87(2)(b).

Det. McBrearty told Det. Gansrow to stop the car. Det. Gansrow remained in the vehicle while Det. McBrearty got out and ran in front of § 87(2)(b). § 87(2)(b) ran into Det. McBrearty, causing them both to fall to the ground. Det. McBrearty fell on his left knee and injured it. Det. McBrearty did not know which part of § 87(2)(b)'s body made contact with the ground first. Several seconds later, Det. Harris caught up to them and assisted Det. McBrearty in handcuffing § 87(2)(b).

Det. McBrearty was unable to recall how the officers were positioned on the ground in relation to § 87(2)(b) except that he was on top of § 87(2)(b). Either he or Det. Harris pulled § 87(2)(b)'s hand out from underneath his body. § 87(2)(b) was refusing to be handcuffed and moving his entire body. Det. Gansrow arrived shortly thereafter, but Det. McBrearty did not recall whether he assisted in handcuffing § 87(2)(b). Det. McBrearty did not know who finally placed § 87(2)(b) in handcuffs. In total, it took only several seconds to place § 87(2)(b) in handcuffs.

No physical force was used in apprehending § 87(2)(b) other than grabbing his arms. Det. McBrearty never punched or kicked § 87(2)(b) nor did he see any other officer do so. § 87(2)(b) did not yell or say anything as he was being handcuffed. A crowd did not form, though one person watched § 87(2)(b)'s apprehension without saying anything. No officer, including Det. McBrearty, ever said, "Get on the fucking ground," or "You made me fucking run."

Det. McBrearty did not know where § 87(2)(b) was taken after he was handcuffed because Det. Harris and Det. Gansrow stayed with § 87(2)(b) while Det. McBrearty went to § 87(2)(b)'s apprehension site. Det. McBrearty walked to the location where § 87(2)(b) was being arrested. § 87(2)(b) was already in handcuffs and being led to the prisoner van when Det. McBrearty arrived. Det. McBrearty was unable to recall who took § 87(2)(b) to the van or who was operating the van.

Sgt. Serrano was present in the area where § 87(2)(b) was being handcuffed, but Det. McBrearty did not remember which other officers were there. Det. McBrearty did not witness any interactions between Sgt. Serrano and § 87(2)(b). Det. McBrearty never saw § 87(2)(b) on the ground and did not see anything that would have caused § 87(2)(b) to fracture his hand. He did not see any officer punch or kick § 87(2)(b) nor did he see any officer stomp on § 87(2)(b)'s hand.

Det. McBrearty did not transport § 87(2)(b) or § 87(2)(b) to the stationhouse or have any interaction with them after he went back to the stationhouse with Det. Gansrow. He did not say to § 87(2)(b) "Because you made a fucking sale, you motherfucker." § 87(2)(b) and § 87(2)(b) did not appear to be injured or complain of any injuries. Det. McBrearty did not know if either of them were treated for any injuries or if they requested medical attention.

Det. McBrearty did not search § 87(2)(b) at the stationhouse. He did not know which officer searched § 87(2)(b) and did not know whether § 87(2)(b) was strip-searched. Det. McBrearty suspected § 87(2)(b) of having weapons on him because he believes that "everybody has weapons on him," though there was nothing in particular about § 87(2)(b) that caused him to hold said belief.

Subject Officer: DET. STEVEN GANSROW

- *Det. Steven Gansrow is a 5'8"-tall, 285-pound, § 87(2)(b)-old white male with brown hair and brown eyes.*
- *On March 8, 2013, Det. Gansrow of Manhattan North Narcotics worked between the hours of 9:27 a.m. and 6 p.m. He was assigned to a buy and bust operation as the operator of an unmarked chase car (#9591) and was dressed in plainclothes. He was working with Det. McBrearty of the same command.*

Memo Book

4 p.m., resumed patrol. En route to § 87(2)(b) with one perpetrator. 4:15 p.m., arrived at scene at above location. 5:30 p.m., resumed patrol. En route to 25 hubsite regarding arrest processing. 5:45 p.m., at the 25 hubsite. 6:30 p.m., en route to § 87(2)(b) with Det. Mcbrearty regarding injury. 7 p.m., arrived at the hospital [encl. 24a-c].

CCRB Statement

Det. Steven Gansrow was interviewed at the CCRB on December 12, 2013 [encl. 25a-c].

On March 8, 2013, at approximately 3:05pm, in the vicinity of Lenox Avenue and West 114th Street in Manhattan, Det. Gansrow was part of the field team for a buy and bust operation. Undercover officers transmitted information to Det. Gansrow that a positive buy had been made and provided descriptions of the individuals involved. Det. Gansrow and Det. Mcbrearty then received a radio transmission that § 87(2)(b) was being pursued by Det. Harris eastbound on either 113th Street or 114th Street. Det. Gansrow drove to the corner of 114th Street and Lenox Avenue, where they observed § 87(2)(b) running eastbound on the northern side of the street, in their direction.

Det. Gansrow and Det. Mcbrearty exited the vehicle and ran toward § 87(2)(b). Det. Gansrow heard Det. Harris shouting, “Stop running!” and “Don’t move!” He and Det. Mcbrearty yelled similar phrases. No officer said, “Get on the fucking ground!” or “You made me fucking run!”

Det. Mcbrearty reached § 87(2)(b) first, grabbed § 87(2)(b) on the middle of the body and his shoulder, and pulled him to the ground. Det. Gansrow arrived almost instantaneously afterwards and helped Det. Mcbrearty restrain a struggling § 87(2)(b). § 87(2)(b) began throwing elbows in an attempt to strike the officers and was trying to stand up. Det. Gansrow did not recall whether § 87(2)(b) was successful in hitting the officers. He cursed at them, saying, “What the fuck are you grabbing me for? Get off of me! Fucking cops, I didn’t do nothing!”

Det. Gansrow was on one side of § 87(2)(b) and Det. Mcbrearty on the other when Det. Harris arrived. Det. Harris assisted by trying to grab onto § 87(2)(b)’s legs. Det. Gansrow and Det. Mcbrearty grabbed § 87(2)(b)’s arms and the officers were finally able to handcuff § 87(2)(b). No other type of force was used to restrain and apprehend § 87(2)(b). Det. Gansrow did not punch or kick § 87(2)(b) nor did he see any other officer do so.

§ 87(2)(b) was not injured during the struggle. Det. Gansrow did not see any injuries on § 87(2)(b) and § 87(2)(b) did not complain of any. Det. Mcbrearty injured his leg during the struggle with § 87(2)(b) though Det. Gansrow did not know how Det. Mcbrearty’s injury had occurred. Det. Mcbrearty was later taken to the hospital. Det. Gansrow did not recall seeing a crowd form where § 87(2)(b) was apprehended. § 87(2)(b) never said, “Stop fucking hitting me!”

After § 87(2)(b) was in handcuffs, Det. Mcbrearty limped over to the location where § 87(2)(b) was being arrested because he received a transmission that additional officers were chasing § 87(2)(b). Det. Gansrow stayed with Det. Harris and § 87(2)(b) and conducted a search of § 87(2)(b). Det. Gansrow did not recall whether § 87(2)(b) had any contraband or weapons on him.

Det. Gansrow placed § 87(2)(b) in the police vehicle and drove to where § 87(2)(b) was being apprehended on 112th Street and Lenox Avenue. When he arrived, he saw Sgt. Serrano, Det. Sandobal, and Det. Mcbrearty. He watched an officer escort § 87(2)(b) to the prisoner van but did not recall which officer did so. Det. Gansrow never saw § 87(2)(b) on the ground and never witnessed any officer punch or kick § 87(2)(b). He did not see any officer stomp on § 87(2)(b)’s hand and did not see any action that would have caused § 87(2)(b) to fracture his hand.

§ 87(2)(b) did not appear to be injured and Det. Gansrow did not hear him complain about being injured.

Det. Gansrow drove § 87(2)(b) to the 28th Precinct stationhouse. Sgt. Serrano asked Det. Gansrow and Det. Mcbrearty to conduct a strip search of § 87(2)(b) because one of the undercover officers had indicated that § 87(2)(b) had additional contraband on him. Det. Gansrow did not know the details of what the undercover told Sgt. Serrano. Det. Gansrow and Det. Mcbrearty conducted a strip search of § 87(2)(b) which yielded negative results. They had him remove his pants, shirt, socks, shoes, belt, and undergarments.

Det. Gansrow never said to § 87(2)(b) “Because you made a fucking sale, you motherfucker,” nor did he hear Det. Mcbrearty do so. After the strip-search was completed, § 87(2)(b) began coughing as if he were chewing on an object. Det. Gansrow squeezed his mouth and saw that he was eating a white plastic bag with a white powder that appeared to be cocaine. § 87(2)(b) then swallowed the substance, and Sgt. Serrano ordered Det. Gansrow to take § 87(2)(b) to the hospital. § 87(2)(b) informed hospital workers that he had swallowed 10 grams of cocaine. Det. Gansrow did not know whether § 87(2)(b) ever received medical treatment and did not hear him request medical treatment from anyone during the incident.

Subject Officer: SGT. JOSEPH SERRANO

- *Sgt. Jose Serrano is a § 87(2)(b)-old black male. Sgt. Serrano is currently on terminal leave, as he is retiring, and was unable to be interviewed by the CCRB. The CCRB did not receive Sgt. Serrano’s memo book.*

Witness Officer: SGT. MARILYN AGUIRRE

- *Sgt. Marilyn Aguirre is a 5’5”-tall, 180-pound, § 87(2)(b)-old Hispanic female with brown hair and brown eyes.*
- *On March 8, 2013, Sgt. Aguirre of the Manhattan Court Section was not on duty. It was later determined that Sgt. Aguirre’s interaction with complainant § 87(2)(b) occurred on March 9, 2013 when he was brought to Central Booking.*

Memo Book:

Sgt. Aguirre is not required to keep a memo book.

Internal Affairs Bureau Log #2013-10418:

Sgt. Marilyn Aguirre called the Internal Affairs Bureau (IAB) Command Center on March 9, 2013 to report an injury to a prisoner [encl. 9a-b].

“Reporter Sgt. Aguirre Manhattan Central Booking § 87(2)(b) called the Command Center to report the following: Defendant § 87(2)(b) was arraigned in court today, and upon going into NYC Corrections custody § 87(2)(b) stated when he was arrested yesterday 03/08/13 the officers beat him up and caused swelling to his hand. Sgt. Aguirre stated § 87(2)(b) showed her his right hand which was swollen. Sgt. Aguirre stated § 87(2)(b) admitted that he did not say anything during his arrest process, and it is the first time he is reporting his injury. Sgt. Aguirre stated that § 87(2)(b) was arrested on 03/08/13 by Det. Sandobal of Manhattan North Narcotics under arrest report § 87(2)(b)

Internal Affairs Bureau Command Center Recording:

Sgt. Marilyn Aguirre called the IAB Command Center on March 9, 2013 to report an injury to a prisoner [encl. 34a-b].

At the three-minute and 34-second mark of the digital recording, Sgt. Aguirre states that § 87(2)(b) is complaining about an injury to his right hand, which is swollen. At the three-

minute and 57-second mark, she states that § 87(2)(b) did not complain of his injury at any prior point during his arrest and processing. At the four-minute and one-second mark, she notes that § 87(2)(b) said to her, “Yeah, I know. It was stupid.” He said this in regards to her question about whether he had previously reported his injury. Sgt. Aguirre stated that § 87(2)(b) saw EMS personnel before he was logged and made no mention of his injury. At the four-minute and 24-second mark, Sgt. Aguirre states that § 87(2)(b) is being transported to § 87(2)(b) by PO Yeboah and PO Krmoyan from the 7th Precinct.

CCRB Testimony:

Sgt. Marilyn Aguirre was interviewed at the CCRB on February 26, 2014 [encl. 35a-b].

Sgt. Aguirre initially had no recollection of the incident. She was presented with a copy of the Internal Affairs Bureau (IAB) log #2013-10418, which states that Sgt. Aguirre called the Command Center to report an injury to § 87(2)(b) as he arrived for arraignment. From the narrative, Sgt. Aguirre determined that her interaction with § 87(2)(b) occurred on March 9, 2013. She was also presented with a photograph of § 87(2)(b). Sgt. Aguirre did not recognize § 87(2)(b).

Upon viewing the IAB log, Sgt. Aguirre stated that she had a vague recollection of interacting with § 87(2)(b). She remembered that § 87(2)(b) had a swollen hand. Sgt. Aguirre could not recall any statements that § 87(2)(b) made to her during their interaction. The IAB log indicated that § 87(2)(b) told Sgt. Aguirre that he had not previously reported the injury to his hand to an officer. Sgt. Aguirre did not recall § 87(2)(b) making this statement to her. Sgt. Aguirre had no other recollection of the incident.

Medical Reports:

§ 87(2)(b)

FDNY Pre-Hospital Care Report

- § 87(2)(b)'s chief complaint was that his right hand and ribs hurt. His presumptive diagnosis was a swollen right hand and wrist sprain, in addition to bilateral rib pain due to blunt force. § 87(2)(b) was given a cold compress to put on his hand. He was unable to sign the FDNY Pre-Hospital Care Report because his right hand was restrained [encl. Medical Records].

§ 87(2)(b)

- § 87(2)(b) went to the Emergency Department at § 87(2)(b) on § 87(2)(b). He was seen by PA Ingrid Voigt and was diagnosed with a hand fracture (“nondisplaced fracture of the base of the right fifth metacarpal”). He was prescribed one to two Tylenol every eight hours for pain and instructed to follow up with the § 87(2)(b) Orthopedic Department. The duration was one day, and the onset was sudden. § 87(2)(b) received an X-ray to the base of the fifth metacarpal. He had swelling to his right hand and tenderness to the palpation of the fifth metacarpal. § 87(2)(b) was given a gutter splint/sling. § 87(2)(b) ordered hydrocodone and 200 mg of ibuprofen. The reason listed for § 87(2)(b)'s visit was “blunt force, wrist injury active.” [encl. Medical Records]

§ 87(2)(b)

- § 87(2)(b) went to § 87(2)(b) on § 87(2)(b) and exhibited possible withdrawal symptoms. The report states that he is an alcoholic and cocaine user who has been sober for three days. § 87(2)(b) experienced pain all over his body and lower back. On § 87(2)(b), § 87(2)(b) went to § 87(2)(b) for a follow-up appointment. He complained of pain in his wrist due to an injury incurred in an altercation with a security officer on March 8, 2013. He had a 5th metacarpal fracture of the right hand. He was scheduled to come back to the hospital for a check-up including an x-ray three weeks after this date. He went to the hospital

again on § 87(2)(b), which showed that his fracture was healing. His medical records also indicate he has a prior history of alcohol and crack dependence [encl. Medical Records].

§ 87(2)(b)

- Medical Treatment of Prisoner Report:

§ 87(2)(b) had a seizure in front of EMS and officer in ambulance.” § 87(2)(b) was taken to § 87(2)(b) (March 9, 2013) [encl. Medical Records].

- § 87(2)(b)

§ 87(2)(b) was admitted to § 87(2)(b) on § 87(2)(b) and was discharged on § 87(2)(b). He was admitted due to a seizure he experienced while in his jail cell in police custody at approximately 2 a.m. on March 9, 2013. There were no documented injuries resulting from § 87(2)(b)'s arrest. § 87(2)(b) did in fact have a seizure on March 9, 2013, but this was most likely the result of alcohol withdrawal [encl. Medical Records].

Police Documents:

Tactical Plan

- On the tactical plan, Det. Sandobal is listed as the arresting officer. He is also assigned to be the team leader, along with Sgt. Serrano. They are both assigned to the “leader car.” Team 1 consists of Det. Viruet and Det. Harris, assigned to chase car number 1. Team 2 included Det. Gansrow and Det. Mcbrearty, assigned to chase car number 2. Assigned to the prisoner van were Det. Fleming and Det. McDonald. There were three undercover officers listed on the tactical plan, as well [encl. 37a].

Expense and Buy Report

- The expense report states that \$40 was spent and recovered for an undercover purchase of crack at 49 St. Nicholas Avenue in Manhattan. The buy report states that on March 8, 2013, at approximately 2:55 p.m., the undercover officer had a narcotics conversation with “JD Black.” JD Black “called his boy” and told his “boy” that he needed two bags of crack. The undercover officer then gave JD Black \$40. A short while later, JD Black gave the undercover officer three loose rocks of crack. The field test report came back positive [encl. 41a].

Status of Civil Proceedings

- § 87(2)(b)'s attorney filed a Notice of Claim on his behalf in the amount of one million dollars (US\$1,000,000.00) [encl. 50a-d]. § 87(2)(g)

“On March 8, 2013, at approximately 3:00 pm, in the vicinity of § 87(2)(b) in Manhattan, police officers unlawfully stopped, frisked, searched, seized, assaulted, battered, used excessive force against, denied medical treatment, and unlawfully arrested claimant without cause or justification, by, among other things. Those officers that did not touch claimant failed to intervene and protect him from the above-mentioned violations...Claimant requested medical attention but the officers refused to transport claimant to a hospital. At no time did claimant commit a crime, nor did the officers have reason to believe he committed a crime. At no time did claimant assault the officers or resist arrest. Claimant was transported to a police precinct, unlawfully detained at the precinct and eventually transported to Manhattan Central Booking. Claimant was not admitted to Manhattan Central Booking because of the severity of his injuries. He was transported to § 87(2)(b)

where he was treated and diagnosed with fractured bones in his hand and bruises on his back and ribs. Eventually claimant was arraigned on March 9, 2013 and unlawfully charged with crimes based upon incomplete, misleading and false information provided by the officers to the Manhattan District Attorney's Office. Claimant was remanded to the Metropolitan Detention Center and remains in New York City Department of Correction Custody. Claimant continues to receive medical attention for his injuries at § 87(2)(b) and through medical services provided by the New York City Department of Correction."

Civilian Criminal History

- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

[REDACTED]

Civilian CCRB History

- This is the first CCRB complaint filed by both § 87(2)(b) and § 87(2)(b) [encl. 8a-b].

Subject Officer CCRB History

- Det. Jose Sandobal has been a member of service for nine years and there are no substantiated CCRB complaints against him [encl. 1a].
- Det. Mark McDonald has been a member of service for 16 years and there are no substantiated CCRB complaints against him [encl. 2a].
- Det. Christopher Fleming has been a member of service for 15 years and there are no substantiated CCRB complaints against him [encl. 3a].
- Sgt. Joseph Serrano is a retired member of service.
- Det. Jeff Harris has been a member of service for 19 years and there are no substantiated CCRB complaints against him [encl. 4a].
- Det. Christian Mcbrearty has been a member of service for 16 years and there are no substantiated CCRB complaints against him [encl. 5a].
- Det. Steven Gansrow has been a member of service for 12 years. He has two substantiated CCRB allegations (abuse – stop, abuse – frisk: CCRB #200917537) and received a penalty of two vacation days [encl. 6a].
- Det. Tyrone Viruet has been a member of service for 18 years and there are no substantiated CCRB complaints against him [encl. 7a].

Conclusion

Identification of Subject Officers

- Det. Jose Sandobal acknowledged interacting with § 87(2)(b)
- Det. Mark McDonald acknowledged interacting with § 87(2)(b)
- Det. Christopher Fleming acknowledged interacting with § 87(2)(b)
- Sgt. Joseph Serrano is no longer a member of service. Det. Sandobal and Det. McDonald's memo books indicate that Sgt. Serrano was the team leader for their assignment on March 8, 2013. Sgt. Serrano is also listed as the supervising officer on § 87(2)(b)'s arrest report. Det. Sandobal, Det. McDonald, Det. Harris, and Det. Mcbrearty all indicated in their CCRB testimonies that Sgt. Serrano was present during the incident.

- Det. Jeff Harris acknowledged interacting with § 87(2)(b)
- Det. Christian Mcbrearty acknowledged interacting with § 87(2)(b)
- Det. Steven Gansrow acknowledged interacting with § 87(2)(b)
- Det. Tyrone Viruet acknowledged being present at the scene of the incident. While he did not acknowledge assisting other officers in placing § 87(2)(b) under arrest, the criminal court complaint states that Det. Viruet assisted in § 87(2)(b)'s arrest. § 87(2)(b) described Det. Viruet as a tall Hispanic male with no facial hair. Det. Tyrone Viruet is a 6'1"-tall, 260-pound, § 87(2)(b) year-old Hispanic male with salt-and-pepper hair and brown eyes.

Investigative Findings and Recommendations

Allegation A) Force: At § 87(2)(b), § 87(2)(b) Det. Jose Sandobal used physical force against § 87(2)(b)

Allegation B) Force: At § 87(2)(b), § 87(2)(b) Det. Mark McDonald used physical force against § 87(2)(b)

Allegation C) Force: At § 87(2)(b), § 87(2)(b) Det. Christopher Fleming used physical force against § 87(2)(b)

It is undisputed that physical force was employed by Det. Sandobal, Det. McDonald, and Det. Fleming in order to place § 87(2)(b) under arrest. § 87(2)(b) stated that as he was entering § 87(2)(b) an officer punched him in the left cheek, causing him to fall face-first onto the ground. Officers continued to kick and punch § 87(2)(b) in the right side of his ribs while he was on the ground. § 87(2)(b) lost consciousness while he was on the ground. § 87(2)(b) § 87(2)(b) stated that he never made any statements to or physical contact with the officers and did not resist arrest. § 87(2)(b) complained of pain in his wrist and ribcage to medical personnel. He was diagnosed on March 9, 2014 with a fractured hand. His medical records do not indicate any injuries to his face or ribcage. § 87(2)(b)'s arrest photo does not show a visible injury to his face.

Det. Sandobal, Det. McDonald, and Det. Fleming all stated that § 87(2)(b) ran when he was initially approached by Det. Sandobal. Det. Sandobal stated that, upon catching § 87(2)(b) at the entrance to § 87(2)(b), § 87(2)(b) began to flail his arms and kicked him in the leg. Det. Sandobal grabbed § 87(2)(b) by the waist area and tackled him to the ground in order to gain control of him. § 87(2)(b) continued to resist arrest by refusing to provide his hands once he was on the ground. Det. Sandobal did not use any force against § 87(2)(b) at this point other than grabbing onto § 87(2)(b)'s hands in order to place them in handcuffs.

Det. McDonald stated that he, Det. Sandobal, and Det. Fleming tackled § 87(2)(b) to the ground after catching up with him. § 87(2)(b) resisted arrest by flailing his arms and legs and refusing to provide his arms to the officers. The officers pulled § 87(2)(b)'s arms behind his back while he was on the ground. No other force was used. Det. Fleming stated that he assisted in placing § 87(2)(b) under arrest after § 87(2)(b) had already been brought to the ground. He could not recall what force was used to apprehend § 87(2)(b). Det. Fleming did not kick § 87(2)(b) nor did he see any other officer kick § 87(2)(b).

§ 87(2)(b) an independent witness who called 911 during § 87(2)(b)'s arrest because he believed he was witnessing a fight, stated that multiple individuals were ganging up on § 87(2)(b). He stated that "a couple of punches" were thrown at § 87(2)(b) and that he did not see § 87(2)(b) punch back. He only observed the encounter for a few seconds before calling 911 and entering his apartment.

NYPD officers are required to use "only that amount of force necessary to overcome resistance" in effecting an arrest (*NYPD Patrol Guide Sec. 203-11*) [encl. A1-2]. § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(g)
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Allegation D) Force: At § 87(2)(b) § 87(2)(b) Sgt. Joseph Serrano used physical force against § 87(2)(b)

Allegation J) Abuse of Authority: Sgt. Joseph Serrano authorized the strip-search of § 87(2)(b)

Allegation O) Abuse of Authority: Sgt. Joseph Serrano did not obtain medical treatment for § 87(2)(b)

§ 87(2)(g)
§ 87(2)(g)
§ 87(2)(g)

Allegation E) Force: At § 87(2)(b) § 87(2)(b) officers used physical force against § 87(2)(b)

§ 87(2)(b) stated that when he was initially approached by officers, an officer that § 87(2)(b) could not identify punched him in the left cheek. The punch caused § 87(2)(b) to fall face-first onto the ground. § 87(2)(b) also stated that an officer stomped on his right hand while he was on the ground, causing it to fracture. His medical records confirm that § 87(2)(b) sustained a hand fracture (“nondisplaced fracture of the base of the right fifth metacarpal”). He was unable to identify the officer responsible for stepping on his hand. Det. Sandobal, Det. McDonald, and Det. Fleming all stated that they did not punch § 87(2)(b) in the face or step on § 87(2)(b)’s hand during the incident. They did not see any officer do so. They did not observe any injuries to § 87(2)(b).

§ 87(2)(g)
§ 87(2)(g)
§ 87(2)(g)

Allegation F) Force: At Lenox Avenue and West 114th Street, Det. Jeff Harris used physical force against § 87(2)(b)

Allegation G) Force: At Lenox Avenue and West 114th Street, Det. Christian Mcbrearty used physical force against § 87(2)(b)

Allegation H) Force: At Lenox Avenue and West 114th Street, Det. Steven Gansrow used physical force against § 87(2)(b)

Allegation I) Force: At Lenox Avenue and West 114th Street, Det. Tyrone Viruet used physical force against § 87(2)(b)

It is undisputed that force was used in the course of § 87(2)(b)’s arrest. § 87(2)(b) stated that, after initially running because he did not realize he was being arrested, he dropped onto his stomach with his body flat against the ground and spread out his arms. § 87(2)(b) was then surrounded by the detectives, who started punching and kicking § 87(2)(b) in the back, face, and neck while he was on the ground. The only physical movement § 87(2)(b) made while he was on the ground was to use his arms to protect his face from the blows. He was then placed in handcuffs.

Det. Harris stated that he initially approached § 87(2)(b) with his shield out and said, “Police! Stop!” § 87(2)(b) ran from Det. Harris. Det. Harris chased § 87(2)(b) who was cut off by Det. McBrearty. § 87(2)(b) collided with Det. McBrearty and they both fell to the ground with § 87(2)(b) on top of Det. McBrearty. Det. Harris then pulled § 87(2)(b) of Det. McBrearty by grabbing him from behind. Det. Harris and Det. McBrearty then pulled § 87(2)(b)’s arms behind his back and placed him in handcuffs. Det. Harris did not punch or kick § 87(2)(b) nor did he see any other officer do so.

Det. McBrearty stated that he exited his vehicle when he saw Det. Harris chasing § 87(2)(b). Det. McBrearty cut § 87(2)(b) off and they fell to the ground, causing an injury to Det. McBrearty’s left knee. § 87(2)(b) further resisted arrest by moving his whole body around. Det. McBrearty and Det. Harris were able to handcuff § 87(2)(b) by pulling his arms behind his back.

Det. Gansrow stated that he and Det. McBrearty exited their vehicle when they saw § 87(2)(b) running. Det. McBrearty reached § 87(2)(b) first and pulled him to the ground by his waist and shoulder. § 87(2)(b) swung his elbows in an attempt to strike the detectives. Det. Gansrow and Det. McBrearty held § 87(2)(b)’s arms, while Det. Harris attempted to grab and restrain § 87(2)(b)’s legs. Det. Gansrow and Det. McBrearty then pulled § 87(2)(b)’s arms behind his back and handcuffed him.

Det. Viruet stated that he initially approached § 87(2)(b) with Det. Harris. When § 87(2)(b) began running, Det. Viruet went to get the vehicle to chase him. He had trouble starting the vehicle and did not arrive at the location of § 87(2)(b)’s arrest until Det. Harris and Det. McBrearty had already caught up with § 87(2)(b). Det. Viruet stated that he did not assist in handcuffing § 87(2)(b). However, the criminal court complaint notes that Det. Viruet assisted in handcuffing § 87(2)(b).

All of the detectives stated that at no point during the arrest of § 87(2)(b) did they punch or kick him. No detective saw any other detective punch or kick § 87(2)(b) as he was being placed under arrest.

NYPD officers are required to use “only that amount of force necessary to overcome resistance” in effecting an arrest (*NYPD Patrol Guide Sec. 203-11*) [encl. A1-2]. § 87(2)(g)

§ 87(2)(g)

Allegation K) Discourtesy: At Lenox Avenue and West 114th Street, Det. Christian McBrearty spoke discourteously to § 87(2)(b)

Allegation L) Discourtesy: At the 28th Precinct stationhouse, Det. Steven Gansrow spoke discourteously to § 87(2)(b)

§ 87(2)(b) stated that Det. McBrearty shouted, “Get on the fucking ground,” when he initially approached § 87(2)(b). § 87(2)(b) also stated that while he was being strip-searched at the 28th Precinct stationhouse, he asked Det. Gansrow why he was being searched. Det. Gansrow replied, “Because you made a fucking sale motherfucker.”

Det. McBrearty stated that at no point did he say to § 87(2)(b) “Get on the fucking ground.” No other officer heard Det. McBrearty make this statement. Det. Gansrow stated that at no point did he say to § 87(2)(b) “Because you made a fucking sale motherfucker.” No other officer heard Det. Gansrow make this statement. § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Allegation M) Discourtesy: At Lenox Avenue and West 114th Street, an officer spoke discourteously to § 87(2)(b)

§ 87(2)(b) stated that an officer said to him, “You made me fucking run.” He was not able to identify the officer that made this statement. No officer at the scene of § 87(2)(b)’s arrest acknowledged making this statement, nor did any officer hear another officer make this statement. § 87(2)(g)

§ 87(2)(g)

Allegation N) Abuse of Authority: Det. Jose Sandobal did not obtain medical treatment for § 87(2)(b)

§ 87(2)(b)

Allegation P) Abuse of Authority: Det. Mark McDonald did not obtain medical treatment for § 87(2)(b)

§ 87(2)(b) stated that while he was being transported to the 28th Precinct stationhouse by Det. Sandobal, Det. McDonald, and Sgt. Serrano, he asked Det. Sandobal to take him to the hospital. Det. Sandobal replied, “Okay.” However, Det. Sandobal never took § 87(2)(b) to the hospital. § 87(2)(b) asked Det. Sandobal and Det. McDonald to take him to the hospital again just before he was transported to Central Booking. Det. Sandobal and Det. McDonald ignored § 87(2)(b)’s request.

Det. Sandobal stated that he did not see any visible injuries on § 87(2)(b) during the incident and that § 87(2)(b) did not complain of any pain at any point. While at the 28th Precinct stationhouse, Det. Sandobal asked § 87(2)(b) if he needed medical attention, to which § 87(2)(b) replied that he did not. Det. Sandobal did not know if § 87(2)(b) ever received medical attention. Det. McDonald stated that he did not notice any injuries to § 87(2)(b) and that he never complained of any injuries during the incident. § 87(2)(b) did not request medical attention at any point.

On March 9, 2013, Sgt. Aguirre reported to the IAB Command Center that § 87(2)(b) was requesting medical attention because of pain to his wrist. She stated the § 87(2)(b) admitted to her that he had not mentioned his injury at any prior point during his arrest and processing. Sgt. Aguirre stated that when she questioned § 87(2)(b) about why he had not reported the injury when he saw EMS, § 87(2)(b) said, “Yeah, I know. It was stupid.” Sgt. Aguirre could not recall this conversation during her interview at the CCRB. § 87(2)(b) was diagnosed with a fracture to his right hand on March 9, 2013 at § 87(2)(b)

§ 87(2)(g)

§ 87(2)(g)

§ 87(4-b) § 87(2)
(c)
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Team: __4__

Investigator:	_____	_____	_____
	Signature	Print	Date
Supervisor:	_____	_____	_____
	Title/Signature	Print	Date
Reviewer:	_____	_____	_____
	Title/Signature	Print	Date
Reviewer:	_____	_____	_____
	Title/Signature	Print	Date